



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,822	06/30/2003	James Burke	KRM-0001 JB	4879
43261	7590	04/19/2006	EXAMINER	
MATTHEW R. KASER 4793 EWING ROAD CASTRO VALLEY, CA 94546			YANG, RYAN R	
			ART UNIT	PAPER NUMBER
			2628	
DATE MAILED: 04/19/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/611,822	BURKE, JAMES	
	<b>Examiner</b> Ryan R. Yang	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 February 2006.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 2-6,8-9 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,7 and 10-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## **DETAILED ACTION**

1. This action is responsive to communications: Amendment, filed on 2/21/2006.

This action is final.

2. Claims 1, 7 and 10-15 are pending in this application. Claim 1 is independent claim. In the Amendment, filed on 2/21/2006, claims 10-15 were added.

3. This application has provisional application 60/394,192 filed 7/2/2002.

4. The present title of the invention is "Layered and vectored graphical user interface to a knowledge and relationship rich data source" as filed originally.

### ***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Britvec (4,646,504).

As per claim 1, Britved discloses a graphical user interface (GUI), the GUI comprising:

a plurality of nested spherical surfaces (Figure 8; "The inner- and outer-layer members lie on two concentric spheres which are bounded by four arches", column 20, line 58-60);

a plurality of nodes, the plurality of nodes comprising a first node and a second node, and each node associated with a location on at least one of the plurality of spherical surfaces (Figure 8 shows a plurality of nodes on a plurality of surfaces); and

a plurality of lines, at least one line having a first endpoint associated with the first node and a second endpoint associated with the second node (Figure 8 shows a plurality of lines connecting a plurality of nodes).

7. As per claim 7, Britved demonstrated all the elements as disclosed in the rejected claims 1, and further discloses more than one lines can be associated with a first node and a second node (Figure 8 shows more than one lines connected to each nodes).

8. Claims 10-12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Teig et al. (5,386,507).

As per claim 10, Teig et al., hereinafter Teig, discloses a graphical user interface (GUI), the GUI comprising:

a plurality of nested spherical surfaces (Figure 13B, item 54 shows a plurality of nested spherical surface);

a plurality of nodes, the plurality of nodes comprising a first node and a second node, and each node associated with a location on at least one of the plurality of spherical surfaces (Figure 13B, item 54 has a plurality of nodes; Figure 14 is a detailed view with connection associated with a location); and

a plurality of lines, at least one line having a first endpoint associated with the first node and a second endpoint associated with the second node (Figure 13B shows a plurality of lines connecting a plurality of nodes); and

further comprising a graphical user interface control (Figure 1B, item 18 "Monitor 18 coupled to the processor provides display of models and information relative to editing and selecting", column 7, line 54-55).

9. As per claim 11, Teig demonstrated all the elements as disclosed in the rejected claim 1, and further discloses a web-control (Figure 13B where the representation of chemical compound is considered a web of chemical elements which is controlled by GUI).

10. As per claim 12, Teig demonstrated all the elements as disclosed in the rejected claim 11, and further discloses the web-control is a turn/zoom web-control (Figure 3 where item 28 is used for zomming and Figure 9A shows the feature for turning, also see column 11, line 9- column 12, line 29).

11. As per claim 15, Teig demonstrated all the elements as disclosed in the rejected claim 1, and further discloses a globe icon (Figure 13B where the node is considered a globe icon).

#### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teig et al..

As per claim 13, Teig demonstrated all the elements as disclosed in the rejected claim 11.

As for using a help avatar, since it is notoriously well known in the art to use a help avatar in a GUI environment, it would have been obvious to one of ordinary skill in the art to implement such feature in order to help control through an interface.

14. As per claim 14, Teig demonstrated all the elements as disclosed in the rejected claim 13.

As for the help avatar is a semi-translucent hologram head and shoulders of an individual, since it is notoriously well known in the art of such an avatar in a GUI environment, it would have been obvious to one of ordinary skill in the art to implement such feature in order to help control through an interface.

### ***Response to Arguments***

15. Applicant's arguments filed 2/21/2006 have been fully considered but they are not persuasive.

In response to applicant's arguments, the recitation of graphical user interface (GUI) has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535

Art Unit: 2628

F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

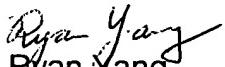
***Inquiries***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan R. Yang whose telephone number is (571) 272-7666. The examiner can normally be reached on M-F 8:30AM-5:00PM.

Art Unit: 2628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ryan Yang  
Primary Examiner  
April 15, 2006